Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

FINAL AIR QUALITY PERMIT

Permittee Name: **AFG Industries, Incorporated**
Mailing Address: **1400 Lincoln Street, Kingsport, Tennessee 37660**

is authorized to construct and operate a flat glass manufacturing plant

Facility Name: **AFG Industries, Incorporated-Richmond Plant**
Mailing Address: **Duncannon Lane, Richmond, KY 40475**

Facility Location: **Richmond Industrial Park South II, Richmond, Kentucky**

Application Complete Date: **June 9, 1997**
Permit Type: **Federally-Enforceable**
Review Type: **PSD, NSR, NSPS, Title V**
Permit Number: **V-97-010**
Log Number: **F195**
Facility ID #: **102-2520-0064**
SIC Code: **3211**

Region: **Bluegrass**
County: **Madison**

Proposed Permit Issuance Date: **August 28, 1997**
Final Permit Issuance Date: **August 11, 1998**
Expiration Date: **August 28, 2002**

John E. Hornback, Director
Division for Air Quality

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- FINAL PSD PERMIT WAS ISSUED ON AUGUST 28, 1997

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on June 9, 1997, the Kentucky Division for Air Quality hereby authorizes the construction and operation of the processing and air pollution control equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and is the final permit under the Prevention of Significant Deterioration program. This permit is also the final permit under the Title V program.

The permittee shall not construct, reconstruct, or modify any affected facilities without having first submitted a complete application to the permitting authority and received a permit for the planned activity, except as provided in this permit or in Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. However, these provisions do not shield the source from violations of the applicable requirements being established and documented through other credible evidence, nor does it relieve the source from its obligation to comply with the underlying emission limits or other applicable requirements being monitored.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 01 (P1) Raw Material Handling

Equipment includes: an unloading hopper, storage silos, weighing and mixing equipment, and distribution conveyors.

Machine Point 1: Batch Material Handling controlled by baghouse #1
Machine Point 2: Batch Material Handling controlled by baghouse #2
Machine Point 3: Batch Material Handling controlled by baghouse #3
Machine Point 4-12: Batch Material Handling controlled by baghouse #4-12

APPLICABLE REGULATIONS:

Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality
Regulation 401 KAR 59:010, New process operations

1. Operating Limitations:

None

2. Emission Limitations:

1. Pursuant to Regulation 401 KAR 51:017, emissions of particulate matter shall not exceed the following limitations:

   Machine Point 1: 0.137 pound/hour
   Machine Point 2: 0.429 pound/hour
   Machine Point 3: 0.154 pound/hour
   Machine Point 4-12: 0.021 pound/hour, each

2. Pursuant to Regulation 401 KAR 59:010, Section 3(1), the visible emissions from the exhaust vent shall not equal or exceed 20 percent opacity.

Continuing Compliance Demonstration Method:

The permittee shall assure continuing compliance with the particulate emission and opacity limitations by ensuring proper operation of baghouses. Proper operation of baghouses can be ensured by fulfilling requirements specified under Subsection 4, 5, and 7 of this Section.

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005 and 59:010, the permittee shall determine the opacity of emissions from the exhaust vent by EPA Reference Method 9 annually, or more frequently if requested by the Division.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

4. Specific Monitoring Requirements:

1. The permittee shall monitor the amount of raw material (pounds or tonnage) handled on a daily basis.
2. The permittee shall install, calibrate, maintain, and operate according to manufacturer's specifications a monitoring device for the measurement of the pressure drop across the fabric filter.
3. The permittee shall perform a monthly inspection of the fabric filters to ensure that there are no broken/torn bags.

5. Specific Recordkeeping Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall maintain records of the following information on site for 5 years:

1. The pressure drop across the fabric filter shall be recorded once per calendar day.
2. Daily amount of raw material handled (pounds or tonnage) and hours of operation.
3. Records documenting results of each opacity reading by EPA Reference Method 9.

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

a) The fabric filters shall be operated as necessary to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and / or standard operating practices.

b) Records regarding the maintenance and operation of the fabric filters shall be maintained and made available upon request for inspection by any duly authorized representative of the Division for Air Quality.

c) The permittee shall determine the operating pressure drop across the fabric filter during the shake down period. This range shall be maintained at all times when the systems are operating.

d) See Section E for further requirements.

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

9. Alternate Operating Scenarios:

NA

10. Compliance Schedule

NA

11. Compliance Certification Requirements

See Section F, Condition 7.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 02 (P2) Melting Furnace

Rated Capacity: 200 mmBtu/hour

APPLICABLE REGULATIONS:

Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality
Regulation 401 KAR 59:585, Standards of performance for glass manufacturing plants incorporating by reference 40 CFR 60, Subpart CC.

1. Operating Limitations:

1. Pursuant to Regulation 401 KAR 51:017, the permittee shall limit the flat glass production to 600 tons/day with fuel restricted to natural gas.
2. Pursuant to Regulation 401 KAR 51:017, Section 9, the permittee shall limit the salt cake usage to 10 pounds per 1000 pounds of sand (BACT requirement).
3. Pursuant to Regulation 401 KAR 51:017, Section 9, the permittee shall recycle all cullet to reduce the raw material required to produce a ton of salable glass (BACT requirement).

2. Emission Limitations:

1. Pursuant to Regulations 401 KAR 59:585 and 401 KAR 51:017, emissions of particulate matter shall not exceed 1.0 pound per ton of glass production and a maximum of 25.0 pounds/hour.
2. Pursuant to Regulation 401 KAR 51:017, sulfur dioxide (SO_2) emissions shall not exceed 2.0 pounds per ton of glass production and a maximum of 50.0 pounds/hour based on a 24-hour average.
3. Pursuant to Regulation 401 KAR 51:017, nitrogen oxides (NO_x) emissions shall not exceed the following limitations based on a 30-day rolling average.
   a) Within the time periods specified by General Condition d(5) in Section G, 11.0 pounds per ton of glass production and a maximum of 275 pounds/hour.
   b) Within twelve (12) months from the date of startup, 9.2 pounds per ton of glass production and a maximum of 230 pounds/hour.
   c) Within twenty-four (24) months from the date of startup, 8.5 pounds per ton of glass production and a maximum of 213 pounds/hour.
   d) Within thirty-six (36) months from the date of startup, 7.0 pounds per ton of glass production and a maximum of 175 pounds/hour.
4. The permittee has self imposed a sulfuric acid emission limitation of 1.59 pounds/hour based on a 24-hour average to preclude applicability of Regulation 401 KAR 51:017.
5. Pursuant to Regulation 401 KAR 59:585, Section 60.293(c), the visible emissions from the furnace stack shall not exceed the opacity standard set during the performance test.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Continuing Compliance Demonstration Method:

1. The permittee shall demonstrate compliance with the particulates allowable emission by calculating emissions using the following equations:

   Daily average emission rate (lb/hour)
   = [Amount of gas burned (million cu. ft./day) x Heating value of gas (Btu/cu. ft.) x Emission factor determined from initial stack test data (lb/mmBtu)]/Hours of operation in that calendar day

   Daily average emission rate (lb/ton of glass pulled)
   = [Daily average particulates emission rate (lb/hour) x Hours of operation of the furnace / tons of glass pulled in that calendar day]
2. The permittee shall use continuous emission monitoring data to demonstrate continuous compliance with the nitrogen oxides emission limitation.
3. The permittee shall use continuous opacity monitoring data to demonstrate continuous compliance with the opacity limitation.
4. The permittee shall demonstrate compliance with the allowable sulfur dioxide and sulfuric acid emissions on a 24-hour average basis by calculating emissions based on sulfur content in raw material feed rate to the furnace and emission factors developed based on stack test information.

3. Testing Requirements:

1. Performance tests to demonstrate compliance with particulate matter and sulfur dioxide emissions shall be conducted annually. Initial performance test for nitrogen oxides, sulfur dioxide, particulate, and sulfuric acid as required by General Condition d(5) in Section G of this permit will meet the annual particulate and sulfur dioxide performance test requirement for the first year.
2. The permittee shall assure compliance with the allowable particulate emission using the method specified in Regulation 401 KAR 59:585, Section 60.296.

4. Specific Monitoring Requirements:

1. Pursuant to Regulation 401 KAR 59:585, Section 60.293(c), the permittee shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the affected facility.
2. Pursuant to Regulation 401 KAR 51:017, the permittee shall install a continuous emission monitoring (CEM) system for the measurement of nitrogen oxides emissions from the furnace.
3. Pursuant to Regulation 401 KAR 51:017, the permittee shall correlate the initial particulate performance test result with fuel usage rate to develop emission factor to be used in continuing compliance demonstration.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

4. Pursuant to Regulation 401 KAR 51:017, the permittee shall correlate the initial sulfuric acid and sulfur dioxide performance test results with raw material information and demonstrate that the potential emission of sulfuric acid will be less than the significant amount for PSD applicability.
5. The permittee shall monitor the daily glass production rate (tonnage) and hours of operation of the furnace.
6. The permittee shall monitor amount of each raw material feed (weight of each raw material in pounds or in tons) to the furnace on daily basis.
7. The permittee shall monitor the amount of sulfur fed to the furnace based on the daily amount of salt cake usage information.
8. The permittee shall monitor the amount of natural gas burned on a daily basis.

5. Specific Recordkeeping Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall maintain records on site of the following information for five years:

1. Daily glass production rate (tonnage) from the furnace.
2. Daily raw material feed rate (pounds or tonnage) to the furnace.
3. Opacity monitoring data gathered by continuous opacity monitoring system.
4. Daily record of the amount of sulfur fed into the furnace.
5. Daily record of amount of natural gas burned and hours of operation of the furnace.

6. Specific Reporting Requirements:

Pursuant to Regulation 401 KAR 59:005, Section 3(3), the permittee shall submit for every calendar quarter a written report of excess opacity emissions to the Division.

7. Specific Control Equipment Operating Conditions:

a) Pursuant to Regulation 401 KAR 51:017, Section 19, the permittee shall install 3R technology as an innovative technology and operate as necessary to maintain compliance with permitted NO_x emission limitations, in accordance with manufacturer's specifications and / or standard operating practices.
b) The permittee shall submit to the Division, prior to the start of construction, copies of all technical data, specifications, and major design parameters pertaining to the 3R technology, including guaranteed efficiency from the vendor. If a review of the technical data indicates that the permit conditions will not be met by the installation of the proposed control devices, the Division may, in a timely manner, disapprove the selected control devices.
c) Records regarding the maintenance and operation of the control equipment shall be maintained and made available upon request for inspection by any duly authorized representative of the Division for Air Quality.
d) See Section E for further requirements.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

1. Pursuant to Regulation 401 KAR 63:022, selenium emission shall not exceed 20 pounds/hour.
2. Pursuant to Regulation 401 KAR 63:022, cobalt emission shall not exceed 10 pounds/hour.
3. Pursuant to Regulation 401 KAR 63:022, nickel oxide emission shall not exceed 2.29 pounds/hour.

Continuing Compliance Demonstration Method:

Continuing compliance with the particulate emission limitation as specified in the Subsection 2 under this emission unit and monitoring of raw material usage will ensure continuing compliance with selenium, cobalt and nickel oxide emission limitations.

9. Alternate Operating Scenarios:

NA

10. Compliance Schedule

NA

11. Compliance Certification Requirements

See Section F, Condition 7.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 03 (P3) Annealing Lehr

Equipment includes: Rollers, electric heating elements, fans, tube heat exchangers, and SO_2 application equipment.

APPLICABLE REGULATIONS:

Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality

1. Operating Limitations:

None

2. Emission Limitations:

1. Pursuant to Regulation 401 KAR 51:017, emissions of sulfur dioxide shall not exceed 0.106 lb/hour.

Continuing Compliance Demonstration Method:
Hourly Emission Rate (lb/hour) = 1.32 percent x the SO_2 usage rate (lb/hour)

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall monitor sulfur dioxide usage rate on daily basis.

5. Specific Recordkeeping Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall maintain records of the following information on site for 5 years:
1. Daily amount of sulfur dioxide usage in the annealing lehr.
2. Daily hours of operation of the annealing lehr.

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

None

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

9. Alternate Operating Scenarios:

NA

10. Compliance Schedule

NA

11. Compliance Certification Requirements

See Section F, Condition 7.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 04 (P4) Cutting Line

APPLICABLE REGULATIONS:

This affected facility is not subject to any applicable regulation.

1. Operating Limitations:

None

2. Emission Limitations:

None

Compliance Demonstration Method:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall monitor the following:

1. Type and amount of cutting oil used on a daily basis.
2. Type and amount of thinner used on a daily basis.

5. Specific Recordkeeping Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall maintain records of the following information on site for five years:

1. Type and amount of cutting oil used on a daily basis.
2. Type and amount of thinner used on a daily basis.

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

None

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

9. Alternate Operating Scenarios:

NA

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

10. Compliance Schedule

NA

11. Compliance Certification Requirements

See Section F, Condition 7.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 05 (P5) Cullet Return System

APPLICABLE REGULATIONS:

Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality
Regulation 401 KAR 59:010, New process operations

1. Operating Limitations:

None

2. Emission Limitations:

1. Pursuant to Regulation 401 KAR 51:017, emissions of particulate matter shall not exceed 0.031 pound/hour.
2. Pursuant to Regulation 401 KAR 59:010, Section 3(1), the visible emission from the stack shall not equal or exceed 20 percent opacity.

Continuing Compliance Demonstration Method:

The permittee shall assure continuing compliance with the particulate emission and opacity limitations by ensuring proper operation of baghouses. Proper operation of baghouses can be ensured by fulfilling requirements specified under Subsection 4, 5, and 7 of this Section.

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005 and 59:010, the permittee shall determine the opacity of emissions from the stack by EPA Reference Method 9 annually, or more frequently if requested by the Division.

4. Specific Monitoring Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall monitor the following:

1. The permittee shall install, calibrate, maintain, and operate according to manufacturer's specifications a monitoring device for the measurement of the pressure drop across the fabric filter.

2. The permittee shall perform a monthly inspection of the fabric filter to ensure that there are no broken/torn bags.

3. The permittee shall monitor the amount of cullet returned and hours of operation on a daily basis.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

5. Specific Recordkeeping Requirements:

Pursuant to Regulation 401 KAR 51:017, the permittee shall maintain records of the following information on site for 5 years:

1. The pressure drop across the fabric filter shall be recorded once per calendar day.
2. Daily amount of cullet returned and hours of operation of the cullet return system.
3. Records documenting results of each opacity reading by EPA Reference Method 9 shall be maintained for inspection by dully authorized representative of the Division.

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

a) The fabric filter shall be operated as necessary to maintain compliance with permitted emission limitation, in accordance with manufacturer's specifications and / or standard operating practices.

b) Records regarding the maintenance and operation of the fabric filter shall be maintained and made available upon request for inspection by any duly authorized representative of the Division for Air Quality.

c) The permittee shall determine the operating pressure drop across the fabric filter during the shake down period. This range shall be maintained all time when the systems are operating.

d) See Section E for further requirements.

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

9. Alternate Operating Scenarios:

NA

10. Compliance Schedule

NA

11. Compliance Certification Requirements

See Section F, Condition 7.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 06 (P8) Emergency Diesel Generator

Rated Capacity: 1950 horsepower

APPLICABLE REGULATIONS:

Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality

1. Operating Limitations:

1. Pursuant to Regulation 401 KAR 51:017, the permittee shall limit the operation of the emergency diesel generator to 500 hours/year.

2. Emission Limitations:

1. Pursuant to Regulations 401 KAR 51:017, emissions of particulate matter shall not exceed 0.341 ton/year.
2. Pursuant to Regulation 401 KAR 51:017, emissions of sulfur dioxide shall not exceed 0.79 ton/year.
3. Pursuant to Regulation 401 KAR 51:017, emissions of nitrogen oxides shall not exceed 11.7 tons/year.

Continuing Compliance Demonstration Method:

The permittee may assure continuing compliance with the particulate matter, sulfur dioxide, and nitrogen oxides emission limitations by ensuring less than 500 hours of operation per year and burning fuel oil with less than 0.5 percent sulfur content.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

1. The permittee shall monitor the fuel usage rate and the hours of operation of the affected facility on a monthly basis.
2. The permittee shall monitor the sulfur content of fuel by the fuel supplier's certification.

5. Specific Recordkeeping Requirements:

1. The permittee shall maintain records of monthly fuel usage rate and hours of operation of the stand-by-generator.

2. Records of fuel supplier's certification on the sulfur content in the fuel shall be maintained.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

6. Specific Reporting Requirements:
None

7. Specific Control Equipment Operating Conditions:
NA

8. State-Origin Requirements:
a) Operating Limitations:
NA

b) Emission Limitations:
NA

9. Alternate Operating Scenarios:
NA

10. Compliance Schedule
NA

11. Compliance Certification Requirements
See Section F, Condition 7.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant, the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	Description	Regulation
1.	39 natural gas-fired space/water heaters 400,000 Btu/hour each	None
2.	12 natural gas-fired space/water heaters 100,000 Btu/hour each	None
3.	Fuel oil storage tank 5000 gallons capacity	None
4.	Cullet piles	401 KAR 63:010
5.	Malic acid spray booth	401 KAR 59:010

SECTION D SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Particulate, sulfur dioxide, nitrogen oxides and visible (opacity) emissions, as measured by methods referenced in Regulation 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

2. Compliance with annual emissions and operating limitations imposed pursuant to Regulation 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and operating rates for any twelve (12) consecutive months.

SECTION E SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS

Pursuant to Regulation 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
   a) Date, place as defined in this permit, and time of sampling or measurements.
   b) Analyses performance dates;
   c) Company or entity that performed analyses;
   d) Analytical techniques or methods used;
   e) Analyses results; and
   f) Operating conditions during time of sampling or measurement;

2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

3. The permittee shall allow the Division or authorized representatives to perform the following:
   a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
   b) Have access to and copy, at reasonable times, any records required by the permit:
      i) During normal office hours, and
      ii) During periods of emergency when prompt access to records is essential to proper assessment by the Division;
   c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
      i) During all hours of operation at the source,
      ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
      iii) During an emergency; and
   d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
      i) During all hours of operation at the source,
      ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
      iii) During an emergency.

4. No person shall obstruct, hamper, or interfere with any Division employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3. All reports shall be certified by a responsible official pursuant to Section 6 (1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

6. a) In accordance with the provisions of Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
   i) When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
   ii) When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.

   b) In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions to the Division for Air Quality's Frankfort Regional Office. Prompt reporting shall be defined as quarterly for any deviation related to emission standards (other than emission exceedances covered by general condition 6(a) above) and semi-annually for all other deviations from the permit requirements if not otherwise specified in the permit.

7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
   a. Identification of each term or condition of the permit that is the basis of the certification;
   b. The compliance status regarding each term or condition of the permit;
   c. Whether compliance was continuous or intermittent; and
   d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
   e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.

SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.

9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G GENERAL CONDITIONS

a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.

2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.

3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
   a) If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c)3;
   b) The Division or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
   c) The Division or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

   Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.

5. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.

SECTION G GENERAL CONDITIONS (CONTINUED)

6. In accordance with Regulation 401 KAR 50:035, Section 7(3)(e), the permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.

7. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.

8. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in Regulation 401 KAR 50:038, Section 3(6).

9. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.

10. This permit shall not convey property rights or exclusive privileges.

11. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.

12. Nothing in this permit shall alter or affect the authority of the U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

13. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

14. PERMIT SHIELD: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of the issuance of the permit.

15. All fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.

16. All emission limitations listed in this permit shall apply at all the times except during periods of startup, shutdown, or malfunctions in accordance with Regulation 401 KAR 50:055.

17. Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance test using Reference Methods specified in Regulation 401 KAR 50:015 and 40 CFR 60.296 shall be conducted as required by the Division.

SECTION G GENERAL CONDITIONS (CONTINUED)

b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, all the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date until the renewal permit is issued or denied by the Division.

c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.

2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

d) Construction, Start-Up, and Initial Compliance Certification Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

2. Within thirty (30) days following commencement of construction, and within fifteen (15) days following start-up, and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Frankfort Regional Office in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
   a) The date when construction commenced.
   b) The date of start-up of the affected facilities listed in this permit.
   c) The date when the maximum production rate specified in the permit application was achieved.

3. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before eighteen (18) months from the date of this permit or if construction is commenced and then stopped for any consecutive period of eighteen (18) months or more, then this permit shall become null and void.

SECTION G GENERAL CONDITIONS (CONTINUED)

4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to Regulation 401 KAR 50:055.

5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance test on the melting furnace (emission unit 02) for nitrogen oxides, sulfur dioxide, particulate matters and sulfuric acid in accordance with Regulation 401 KAR 50:055, General compliance requirements.

6. Pursuant to Section VII 2(1) of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to Regulation 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.

e) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
   i) An emergency occurred and the permittee can identify the cause of the emergency;
   ii) The permitted facility was at the time being properly operated;
   iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
   iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of Regulation 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.

2. Emergency conditions listed in General Condition (e)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.

3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

SECTION G GENERAL CONDITIONS (CONTINUED)

f) Risk Management Provisions under CAA 112(r)

1. The Permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:

   a. Submit a Risk Management Plan to the U. S. EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U. S. EPA.

   b. Submit additional relevant information if requested by the Division or the U.S. EPA.

g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

   a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.

   b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.

   c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.

   d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the Recordkeeping requirements pursuant to 40 CFR 82.166.

   e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.

   f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H ALTERNATE OPERATING SCENARIOS

Not Applicable

SECTION I COMPLIANCE SCHEDULE

Not Applicable